

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA

MEMORANDUM AND ORDER
05-CR-65 (DRH)

-against-

LESLIE PONDER,

Defendant.

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A P P E A R A N C E S:

For the Government:

Loretta Lynch
United States Attorney
610 Federal Plaza
Central Islip, New York 11722-4454
By: Peter Katz, A.U.S.A.

For Defendant:

Federal Defenders of New York, Inc.
Eastern District
Alfonse M. D'Amato Federal Courthouse
770 Federal Plaza
Central Islip, New York 11722
By: Randi Chavis, Esq.

HURLEY, Senior District Judge

Pending before the Court is an application by defendant Leslie Ponder ("defendant" or "Ponder") for an order pursuant to 18 U.S.C. § 3583(e)(1) for early termination of his supervised release. The application is not opposed by the Probation Department.

Defendant was sentenced by me in 2004 based on a conviction for possession, with intent to distribute 50 grams or more of cocaine base. He was sentenced to, inter alia, thirty three months incarceration followed by five years of supervised release.

DISCUSSION

Section 3583(e) provides in pertinent part:

The court may, after considering the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(c), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7)–

(1) terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice.

18 U.S.C. § 3583(e)(1).

The Court has reviewed the portions of § 3553(a) referenced in § 3583(e) in conjunction with the application submitted by the defendant. See generally United States v. Lussier, 104 F.3d 32, 34-35 (2d Cir. 1997). Having done so, the requested relief is granted primarily for reasons articulated in Ms. Chavis' December 15, 2010 letter submitted on Ponder's behalf.¹

¹ As requested in Ms. Chavis' December 15, 2010 letter, the Federal Defenders of New York are appointed nunc pro tunc to represent defendant for purposes of this application.

In sum, the current application for early termination
of supervised release is granted.

SO ORDERED.

Date: January 4, 2010
Central Islip, New York

/s/
DENIS R. HURLEY, U.S.D.J.